Kerala Gazette No. 48 dated 6th December 1960

PART III

High Court of Kerala

NOTIFICATION

No. B1-3339. *24th November 1960.*

In exercise of the powers conferred by Article 227 of the Constitution and of all other papers hereunto enabling the High Court with the previous approval of the State Government makes the following rules in regard to certified copies and Copyists in the High Court:—

CERTIFIED COPIES

1. **Application for copies.**—(1) Any person entitled to obtain a copy of any proceeding or document filed in or in the custody of the Court may present an application therefor as in the form given in the annexure setting out the name of the applicant, his position in the suit or proceeding and description of the document of which copy is required.

(2) Copies of Judges' minutes of correspondence and other papers, not strictly judicial will not be granted. Where doubts arise as to whether the copy applied for could be granted orders of the Judge ought to be obtained.

2. **Second application or by strangers.**—Applications for copies of records a second time or by persons not parties to the suit or proceeding shall be allowed only by special order of the Court obtained on a duly verified petition setting forth the purpose for which the copy is required. But copies of judgments and orders can be granted to all persons prepared to pay the prescribed fees therefor.

3. **Application for more than one document.**—A copy application requiring copies of more than one document or proceeding shall be deemed to be only a single application.

4. **Calling for stamp papers.**—Every day between the hours of 3 and 5 p.m. a list showing the applications in which the records have been received and the number of stamp papers required shall be prepared and affixed to the Court's notice board. Such list shall remain suspended for three days and if the last day is a holiday till the next Court day. Within that time, the applicant shall supply the stamp papers called for, failing which the application shall be struck off.

5. **Additional stamp papers.**—Whenever additional stamp papers are found necessary they shall be called for and supplied in the same manner as in the above rule, provided that when the additional stamp papers called for have not been deposited, but the stamp papers originally deposited are sufficient for the preparation of complete copies of one or more documents, the

copy application shall be complied with by delivery of such of the completed copies as can be prepared on the stamp papers supplied, the decision of the Examiner as to the documents to be selected for copying being final. The copy application shall be rejected only as to the rest.

6. **Intimation of date for delivery of copy.**—The Examiner shall fix a date for the appearance of the applicant to receive the copy and intimate that fact to the applicant at the time the copying papers are produced. Should the copy not be ready for delivery on the date so fixed, the Examiner shall fix another day therefor and notify the same on the notice board of his section.

7. **Disposal of incomplete copies.**—When an application is struck off in whole or in part, the incomplete copy in every case shall be destroyed after 12 months from the date on which the application is struck off, unless such copy is completed before the expiration of the period which shall be under the orders of the Court on petition filed by the party within six months of the date when the application was struck off and the deposit by him of additional stamp papers under the terms of such order. No party shall be entitled to the return of stamp papers which are used but on which an incomplete copy is written.

8. **Order in which application should be complied with.**—The preparation of all copies of documents applied for or such of them as admit of being copies in full on the stamp papers deposited shall, as far as possible, be undertaken in accordance with the serial order of applications except when a special order for precedence as regards any particular application has been made. Such order for precedence shall be made only on a separate application duly stamped and praying for such order.

9. **List of copies ready for delivery.**—A list of copies ready for delivery shall be posted on the notice board of the Court and shall remain thereon for three clear days other than holidays The copy and any unused stamp papers shall be delivered to the applicant at any time during office hours and if the copy is not claimed by the applicant within 12 months of the date of posting of the said list, it shall be destroyed and the unused stamp papers, if any, shall be forwarded to the nearest Treasury Officer for reissue, if in good condition by the Superintendent of Stamps.

10. **Copying charges.**—Copying charges shall be called for and supplied in the shape of copy stamp papers calculated at the rate of 1 stamp paper of 20 nP. for every 175 words in English or 125 words in Malayalam or Tamil or Kannada or the fractions of 175 or 125 words as the case may be.

Five numeral figures shall be taken as equivalent to one word. Words in Malayalam or Tamil or Kannada languages with short suffixes and inflections shall be counted as single words for the purpose of this rule.

In granting copies of records, each statement, account, report, petition, order or the like should be treated as a separate document and should be written on separate copying stamp paper.

11. **Copies of map, plans etc.**—Where the copies applied for are of maps, plans or generalogical trees, which cannot be copied on an ordinary stamp paper, they shall be prepared by skilled labour. A reasonable fee shall in each case be fixed by the Court and deposited in cash by the party in the same manner as for a commission under the Code; three-fourths of such fee shall be paid to the person employed in preparing the copy and the remaining shall go to the Government. These charges shall be entered in the register of cash deposits under two heads—three-fourths copying charges and one-fourth comparing fees.

12. **Production of stamp papers.**—When parties or pleaders or registered clerks produce stamp papers for copies, they shall endorse the fact on the back of the copy application and the Examiner of Copyists should acknowledge receipt of the same with his initials and date.

13. **Transcription of copies.**—Every Copyist shall legibly and neatly transcribe 20 copy sheets per day and shall also assist in examining copies. Copies must be transcribed on that side of the paper which bears the stamp and a margin of one inch should be left on the lefthand side. The pages of the copy shall be consecutively numbered and each page must be initialled at the foot by the Copyist and the Examiner and the last page signed by the Examiner, Reader and Copyist. Erasures of words written by mistake are strictly prohibited. When a correction has to be made in the copy, the incorrect word shall be struck through by a line in ink across the word and the correct word written above the word so struck through. The Examiner shall initial every alteration and interlineation in the copy, and shall also state at the foot of each page the number of alterations and interlineations made therein. The pages in the original should be indicated in the copy also before the matter is transcribed and when there is no pagination the number of the sheet copied should be indicated first.

The transcribed copies shall be compared by the Examiner or by such officer as the court shall direct or by some one of the copyists; but in no case shall a copy be read to the Examiner, or the examination in any way assisted in, by the copyist who prepared the copy. Each page must be initialled at foot by the Examiner or other officer aforesaid.

14. **Sealing and certificate.**—All copies furnished by the Court shall be certified to be true copies and shall be sealed with the seal of the Court.

15. **Endorsement as to particulars and dates.**—Every copy shall bear an endorsement showing the following particulars and initialled by the Examiner:—

(1) The year and number of suit or other proceeding
(2) Name of Court

(3) The name of the applicant
(4) Number and date of application
(5) Date of calling for stamp papers
(6) Date of production of papers
(7) Date of calling for additional papers
(8) Date of production of additional papers
(9) Date when copy was ready
(10) Date notified for appearance to receive the copy
(11) Date when copy was delivered

ANNEXURE

Before the High Court of Kerala

A. B. .. .. Plaintiff / Appellant / Applicant

C. D. .. .. Defendant / Respondent

Application for certified copies

It is requested that certified copies of the documents hereunder mentioned may be furnished to A.B.|C.D. above-named:

Sl. No.	Date of document.	Description of document.	Order, if any under which application is made.
1			
2			
3			
4			

Dated this the day of 19

(Signed) G. H.
Advocate for

By order,
T. M. Krishnan Nambiar,
Registrar.